

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF JUNE 20, 2005

MINUTES

Board Members Present:

**Robert Guerette, Chairman
Harold Wheeler
David Clark
Ryan King
Nathaniel Rosenblatt
Jonathan Siegel**

News Media Present:

**Bangor Daily News
WVH – TV 7**

City Staff Present:

**David Gould
James Ring
Peter Witham
Lynn Johnson**

Chairman Guerette called the meeting to order at 7:00 p.m.

CONSENT AGENDA

As no one wished to remove the item for discussion, Chairman Guerette asked for a motion. Mr. Wheeler moved to approve the Consent Agenda. Mr. Rosenblatt seconded the motion. The Board voted 5 in favor and 0 opposed to the motion approving the Consent Agenda. The item approved is as follows:

Item No. 1:

Final Subdivision Plan Revision approval and Site Location of Development Act Modification approval to increase the subdivision area, increase the size of 9 lots and eliminate 2 lots along Virginia Lane, and to reconfigure an approved detention pond in the existing Rolling Meadow Estates Subdivision located off of Mt. Hope Avenue in a Low Density Residential District. Hampden Home Builders, applicant.

PUBLIC HEARINGS

Item No. 2: Conditional Use/Site Development Plan approval to construct a 3,400 sq. ft. building consisting of 2,800 sq. ft. for auto service use and 600 sq. ft. for ice cream and coffee shop use located at 541 Maine Avenue in a Shopping and Personal Service District. Bangor Radiator and Service Center, LLC, applicant.

Chairman Guerette asked for comments from the applicant. Andrew Hamilton, Esq. of the firm Eaton Peabody, represented the applicant. Michael and Tammy Cormier were also present to answer questions of the Board. Mr. Hamilton explained that the applicant's present site will become part of the new Police Department development located at Main and Cedar Streets. The applicant plans to relocate to 541 Maine Avenue and construct a 3,400 sq. ft. building for auto service use and for an ice cream and coffee shop use in a Shopping and Personal Service District.

Mr. Hamilton discussed how this use meets the four standard conditional use standards, as well as, the specific conditional use standards of the Shopping and Personal Service District. Regarding Standard No. 4 as to the conformity of the project with the architectural design of other uses in the neighborhood, Mr. Hamilton distributed an aerial photo and discussed the uses in this area that include, the two Eremita & Valley office buildings, the Merrill Merchants branch bank building, the adjacent recycling facility and City's bus facility, and the City's Public Works facility. He also noted that General Electric (GE), Maine Public Broadcasting Company and the University of Maine were all in this area. Mr. Hamilton indicated that the neighboring GE plant and Turbine Specialists on Florida Avenue have flat roofs and other structures in the area include the warehouse component of the recycling facility, and two propane tanks next to the Eremita & Valley buildings. Mr. Hamilton showed the Board two building elevations and indicated that the proposed building would be a quality building. Mr. Hamilton indicated that all of the conditional use standards have been met.

Mr. Rosenblatt asked if there is a queuing plan and how cars will move on the property. Mr. Mike Cormier, the applicant, indicated that the first bay will be a quick lube drive-thru. Vehicles will enter on Maine Avenue and exit on the regular parking lot side. He indicated that he did not believe that there would be any cars queued up to enter the building as customers will come in and park their cars and the employees will then move the vehicles into the building.

Mr. King asked if the applicant planned to keep any of the architectural features of the current Bangor Radiator building at the new site. Mr. Hamilton indicated that the signs would be preserved.

No one spoke in opposition. Chairman Guerette closed the Public Hearing and asked for Staff comments. Acting Planning Officer Gould explained that the application before the Board is for conditional use and site development plan approval to construct a 3,400-sq. ft. building primarily for retail auto service use. The Land Development Code singles out these types of uses in this District to insure that the layout and design of the site is adequate for the typical operation, and, that the site has sufficient space on-site for queuing and space for cars waiting for service. Mr. Gould indicated that the Site Development Plan provides the required four queuing spaces for the drive-thru aspect of this application. The applicant is also proposing to utilize 600-sq. ft. for an 24-seat, walk-in and sit down, ice cream and coffee shop use.

Mr. Gould explained that there are four standard conditional use standards in the Land Development Code that must be met for all conditional use requests. The applicant has demonstrated that the proposal meets those standards in that there will not be any unreasonable traffic congestion, and the operation of the use will be adequately supported by utilities, public sewer, and water. Mr. Gould indicated that the Board needs to make a determination as to whether the building is in keeping with the architectural character of the other buildings in this area in regard to general type and form. Mr. Gould noted that because this site is within the Bangor International Airport, the applicant will also need to obtain Site Location of Development Act Modification approval. Staff recommended approval of the Conditional Use request, as well as, approval of the Site Development Plan as the plan submitted meets the Site Development Plan submittal requirements of the Land Development Code.

Mr. King asked if the Board should grant approval of the conditional use and site development with conditions because the applicant also needs Site Location of Development Act approval. Mr. Gould indicated that because the applicant needs to obtain both approvals it was not necessary to condition approval of the conditional use and site development plan. Mr. Gould noted that the Board needed to make a motion on both applications.

Chairman Guerette asked for a motion. Mr. Rosenblatt moved to approve the Conditional Use at 541 Maine Avenue for Bangor Radiator Service Center, LLC, applicant. Mr. Wheeler seconded the motion. The Board voted 5 to 0 in favor of the motion. Mr. Rosenblatt moved to approve the Site Development Plan at 541 Maine Avenue, Bangor Radiator Service Center, LLC, applicant. Mr. Wheeler seconded the motion, which also passed unanimously.

Item No. 3: To amend the Land Development Code by changing parcels of land located at 729, 731, 735, 739, 743, and 759 Broadway and a portion of 58V Hillside Avenue from High Density Residential District and Contract Government and Institutional Service District to Contract Shopping and Personal Service District. Said parcels containing approximately 4.85 acres. Varnbro Inc., Atlantic Investments, Inc., Broadway Dental Associates, P.A., John Tozer and Laura Reidy, and Varnbro Corporation, applicants. C.O. # 05-202.

Chairman Guerette opened the Public Hearing and asked for a presentation from the applicant. Andrew Hamilton, Esq., representing the applicant, explained that this is a request for a Contract Zone Change for properties located on Broadway and Hillside Avenue. He noted that this item was previously before the Board as a straight zone change request. At that time, City Staff felt that the applicant needed to be sensitive to the fact that this zone change is in a transition area (with commercial zoning and residential zoning) and the applicant withdrew the application.

Mr. Hamilton explained that this property is immediately adjacent to the Rite Aid store and consists of the Broadway Dental lot, and a vacant property between the two properties and two house lots. The applicant is proposing a stepped contract zone change that offers more restrictions on the property abutting the residential property going out Broadway than the property that abuts the Rite Aid parcel towards School Street.

Mr. Hamilton discussed the proposed contract zone change conditions and indicated that they will provide a transition between the commercial and residential uses. He also noted that a contract zone change must meet the four mandatory conditions under Section 165-7 of the Land Development Code in that it must: (1) be consistent with the Comprehensive Plan; (2) be consistent with the existing uses in the area and permitted uses within the original district; (3) only include conditions and restrictions which relate to the physical development or operation of the property and not its land use; and (4) be subject to the contract agreement.

Mr. Hamilton discussed the existing uses along Broadway and Hillside Avenue and distributed copies of an aerial photo depicting these uses. Along Broadway across the street is Broadway Hardware, Subway, Walls Electronic Store, Ross Manor and next door, the Rite Aid store. He also discussed the existing uses along Hillside Avenue that include The Skate Scene Recreation Center, the AT&T building, T.J. Lynch Flooring, Modern Screen Print and the

Amicus building. He noted that all of the buildings along Hillside Avenue had low pitched roofs and the Amicus building and the Ross Manor buildings were single-story with a hip roof.

Mr. Hamilton indicated that the proposed zone change is consistent with the City's Comprehensive Plan Zoning Policy Map as there is a transition occurring in this portion of Broadway. Mr. Hamilton indicated that it was the applicants intent to align the entrance to this development with Husson Avenue. Mr. Hamilton distributed copies of language within the Hampden Ordinance as an example of architectural standards for buildings indicating that he had discussed this with Mr. Gould who suggested these standards as an example.

Mr. Hamilton discussed the proposed contract zone change conditions. He indicated that the proposed contract conditions address: access management and traffic issues on Broadway; blending the development on this side of Broadway with the residential uses on the out-of-town side; limiting the side to one curb cut onto Broadway with no direct thru traffic from Hillside Avenue to Broadway; prohibiting retail fuel storage tanks or garage facilities and warehousing; prohibiting enclosed entertainment or recreation facilities, and providing for buffers.

Mr. Hamilton explained that there are nine contract conditions for the entire parcel (Map R-41, Lots 18, 19A, 19B, 19C, 19D, 20 and a portion of 22A) with two specific restrictions regarding Lot 18. The two specific conditions would prohibit drive-thru windows or illuminated signage on the property. The principal use structures shall be constructed with: 1) a roof form and pitch compatible with adjacent structures north of the subject property, and (2) that the exterior siding is brick or masonry, wood siding, wood shingles, aluminum or vinyl siding simulating a clapboard pattern or hardboard siding.

Mr. Rosenblatt asked what is currently on the property. Mr. Hamilton indicated that on Lot 20 there is a vacant abandoned house, 743 Broadway is Broadway Dental, Lot 18 has a house on it, 765 Broadway has a house on it, to the rear of the Rite Aid property is a vacant house with a garage owned by Mr. Varney, and the remaining land is vacant land.

Mr. Clark noted that the Staff Memorandum indicates future use of this parcel for a possible bank, drive-thru fast food restaurant and a dentist's office. Mr. Clark asked if these uses were being proposed in one building or if they would be in buildings scattered throughout the site. Mr. Hamilton showed the Board a preliminary concept of what the applicant is proposing. That concept indicates that there would be several smaller buildings.

Mr. King indicated that the contract conditions appeared to be the conditional uses for the General Commercial and Service District in the Land Development Code. Mr. Hamilton indicated that the full range of permitted and conditional uses were being proposed and the conditions were designed to mitigate the physical operation of the site and not to regulate land use.

Mr. Siegel asked about the proposed access to this site and expressed his concern about a direct access to Broadway thru to Hillside Avenue. Mr. Hamilton indicated that as part of the contract zone change conditions, there be no thru-access on this site, however, there would be a drive-way that would extend to the rear of the property. Mr. Hamilton indicated that this issue would be addressed at the time of site development plan review.

Mr. King was concerned about the proposed building bulk. Mr. Hamilton indicated that the applicant would be willing to commit to a building bulk of 0.4 and added that a floor area ratio of .4 limitation appears in the Contract Zone Change for the Broadway Dental property. Mr. Hamilton indicated that this is a reasonably tight bulk standard but the applicant would commit to a 0.4 limitation.

Chairman Guerette then asked for other proponents, there being none, he asked for opponents. No one spoke in opposition, Chairman Guerette closed the Public Hearing and asked for comments from Staff. Acting Planning Officer Gould explained that the applicants, Varnbro, Inc., Atlantic Investments, Inc., Broadway Dental Associates, PA, John Tozer and Laura Reidy, and Varnbro Corporation, request a zone change and Land Development Code Map Amendment for seven parcels of land totaling 4.85 acres from High Density Residential District (HDR) and Contract Government and Institutional Service District (G&ISD) to Contract Shopping and Personal Service District (S&PS) at 729, 731, 735, 739, 743, and 759 Broadway and a portion of 58 Hillside Avenue. Mr. Gould indicated that in May, the applicant had applied for a zone change for this parcel and at the time, Staff reviewed this application and recommended that this was inconsistent with the Comprehensive Plan. Mr. Gould noted that for many years, Staff looked at this property as the dividing line on Broadway between the commercial use of M.L. Coffin, now the Rite Aid site, and the residential uses further out Broadway. Mr. Gould indicated that there are two levels of decision that the Board needs to think about those being the City's Comprehensive Plan Land Use Policy for this area (School Street, Hillside Avenue, Broadway and Grandview Avenue). The Land Use Policy for this area is for low density use and is zoned predominantly high density residential. There are two Government and Institutional Service District parcels within the block. Staff tried to direct the applicant to deal with a number of issues including: limiting the intensity of the development, buffering this property from adjacent properties;

controlling traffic and access at this location; and controlling the development intensity.

Mr. Wheeler asked what notification was given to abutting property owners and how many notices were sent. Mr. Gould indicated that Staff used the same standards that are used for all zone change requests that the abutters within 100 feet of the area are to be notified. Mr. Gould indicated that 15 notices were mailed.

Mr. Rosenblatt indicated that because when this last appeared as a straight zone change the Planning Office reached a conclusion that it was not consistent with the Comprehensive Plan, that he had trouble thinking that the contract zone change is consistent with Comprehensive Plan, as well. Mr. Gould indicated that Staff looked at the actions of the Board and the City Council in the 1990's when contract zone changes were approved for Broadway Dental and Amicus site on Hillside Avenue. Both of these applications, with similar circumstances were found to be consistent. A straight zone change to Shopping and Personal Service District would not be appropriate for this location

Mr. Siegel was concerned that the location of a fast food restaurant at this site would create traffic problems from the high school. Mr. Hamilton indicated that that would be discussed at the time of the site development plan. He noted that the contract conditions indicate that there would not be a drive-thru use on the northerly portion of this lot next to the residential uses. The applicant wants to preserve some economic opportunity for food service. He added that the applicant would be agreeable to adding the four architectural standards as in the Hampden Ordinance.

Chairman Guerette said that this area is somewhat of an island with both residential and commercial uses. One of the things that the Board has learned is that people want to preserve neighborhoods. He indicated that he liked the proposal except for the first 150 feet being available for a business to be open to 11:00 or 12:00, having outdoor lighting, and potentially being a high traffic generator. The dental office was required to maintain a residential character as one of the contract zone change conditions and he felt that this was the same kind of issue.

Mr. King indicated that he would be in favor of seeing the two items be added regarding the maximum floor ratio being .4 and the other to adopt the more restrictive conditions beyond Lot 18 further up Broadway. Mr. King indicated that he would like to see those more restrictive conditions extended for the entire lot.

Chairman Guerette felt that the boundary needed to be specific. Mr. Hamilton suggested the common property line from Rite Aid out Broadway lining up with the existing drive-way (250 feet).

Mr. Wheeler said that he was not comfortable with this because the Staff recommendation for approval was given with some misgivings. Mr. Gould indicated that it was not the intent to suggest misgivings. Staff suggested that the final language be addressed to clarify the standards for roof form because Staff felt that as written, it would be unclear to people in the future as to how to interpret those standards. The recommendation was to leave the Board open for dialogue and discussion.

Acting Planning Officer Gould also indicated that if the Board were to amend the contract zone change conditions, then the Board would need to make it clear that they do not support the original proposal but would support an amended version of that proposal. In order to do so, the Board needed to make a recommendation on the original Council Ordinance. Then the Board could make a motion to recommend an amended version of the Council Ordinance.

Mr. King suggested amending the original application for a building bulk limitation of a floor area ratio of .4, and expanding the more restrictive conditions on Lot 18 up Broadway 250 feet from the Rite Aid property.

Chairman Guerette expressed his concern over the potential for a restaurant or a fast food restaurant could be constructed on this site. Mr. Hamilton indicated that there would be no drive-thru on the outer portion of the property closest to Grandview Avenue.

Mr. Jim Ring discussed with the Board the procedures for dealing with an amendment to the Council Ordinance. First, the Board needs to deal with the Council Ordinance as presented. Then the Board can vote to amend the Council Ordinance and that recommendation would then be forwarded to the City Council as an amendment by substitution and ultimately considered by the City Council.

Mr. Rosenblatt moved to recommend to the City Council approval of the contract zone change contained in C.O. # 05-202. Mr. Wheeler seconded the motion. The Board voted none in favor and five opposed to the motion recommending C.O. # 05-202. Mr. King moved to amend C.O. # 05-202 by adding the conditions that the maximum floor area ratio be .4 and that the specific restrictions regarding Lot 18 be extended to 250 feet from the in-town property line of Rite Aid. Mr. Clark seconded the motion. The Board voted 3 in favor and 2 opposed to recommended C.O. # 05-202(As Amended).

NEW BUSINESS

Item No. 5: Site Development Plan Approval for construction of a new 29,385 sq. ft. Police Station, renovation of 12,749 sq. ft. of existing building for Police Station Use, and common site developments including existing and proposed parking, buffers, drives and walks for three applicant parcels in a common Planned Group Development located at 240 Main Street and 9 May Street in a Downtown Development District. City of Bangor/Merrill Merchants/Hayward Properties, applicants.

Chief of Police, Don Winslow, spoke in favor of the proposed site plan. He indicated that this is the site for the new Police Station. The plans were to renovate an existing building on the site, construct a three-story office structure for office space, a dispatch center, training space, administration offices, offices for detectives, and for operations control.

Mr. Rob Frank of WBRC, discussed the Site Development Plan and the request for a Planned Group development. Mr. Frank pointed out the location of parking spaces, access and proposed buffers and indicated that the site development plan as presented met the requirements of the Downtown Development District as well as the requirements for site development plan submittal. Mr. Frank said that the Planning Group Development would take this block and make it work better for all three parties.

Mr. Siegel asked if it was sensible not to have direct access onto Main Street. Mr. Frank explained that with the access off of Summer Street it would greatly improve staging out into the community.

Acting Planning Officer Gould told the Board that the applicants, City of Bangor, Merrill Merchants Bank, and Hayward Properties, are requesting Site Development Plan approval to construct a new 29,385 sq. ft. Police Station, renovate a 12,749 sq. ft. building for Police Station Use, and common site developments including existing and proposed parking, buffers, drives and walks all in a common Planned Group Development for the three applicants' parcels located at 232 Main Street, 240 Main Street, and 9 May Street in a Downtown Development District. Mr. Gould explained the site development plan indicating that the proposal meets all of the submittal requirements with the exception of a signed Planning Group Development agreement. Mr. Gould noted that this is a typical downtown site and the applicants have done a very good job meeting buffer requirements as there is not much space to spare on this development. Mr. Gould noted that the applicants have not provided an executed Planned

Group Development Agreement and suggested that the Planning Board condition their approval upon the Planning Office receiving a copy of that Agreement when executed by all parties prior to the issuance of a building permit.

Mr. Rosenblatt moved to grant both site development plan and Planned Group Development plan approval for the project located on May Street and Main Street City of Bangor, Merrill Merchants Bank and Haymarket Associates with the condition that the Planning Office receive a copy of the signed Planned Group Development Agreement prior to the issuance of a building permit. Mr. Wheeler seconded the motion. The Board voted 5 in favor and 0 opposed to the motion for approval.

Item No. 6: Site Development Plan approval for a Planned Group Development and construction of a new 28,979 sq. ft. office building and site developments including proposed parking, buffers, drives, walks, and utilities located at 931 Union Street in a General Commercial and Service District and Shopping and Personal Service District. City of Bangor/Eastern Maine Healthcare Systems/Affiliated Healthcare Systems, applicants.

Mr. Rosenblatt asked to recuse himself from consideration of this item as the applicant is a current client of his office. Mr. Wheeler moved to excuse Mr. Rosenblatt from voting. Mr. Clark seconded the motion. The motion passed unanimously. Mr. Siegel was asked to vote.

Mr. Rob Frank of WBRC spoke in favor of this application. Mr. Frank noted that Mr. Miles Theeman, Mr. Brian Donohue, Mr. Pat Taber, of Affiliated Healthcare Systems and Eastern Maine Healthcare, and Mr. Jim Manzer and Mr. John Theriault of Ames A/E were present at the meeting.

Mr. Frank explained that this parcel was before the Board on May 3, 2005 for a zone change from Government and Institutional Service District to Shopping and Personal Service District. The applicants are requesting Site Development Plan approval and Planned Group Development approval for this parcel leased from the City to Affiliated Healthcare Systems, the vacant parcel to the rear of this parcel retained by the City of Bangor, and the Eastern Maine Healthcare Systems parcel (Eastern Maine Healthcare Mall).

Mr. Frank discussed the Site Development Plan indicating that Affiliated Healthcare Systems is proposing to construct a one-story building for an ambulance facility and construction of a 3-story building for office space use. The site development plan, as submitted, meets the requirements of the District,

the requirements for planned group development approval, and the requirements for site plan submittal.

Chairman Guerette indicated his concern about another driveway onto Union Street especially so close to the large parking lot at the Healthcare Mall. Mr. Frank said that the applicants are proposing to line the curb cut up with the Exxon Car Wash site across Union Street.

Mr. John Theriault, of Ames A/E, explained that at this time, because of the size of the existing site, the traffic generation is not high enough to warrant a traffic signal at that location. However, because of this proposal, and the increase in traffic volumes, it now warrants a traffic signal. Plans are to relocate the main entrance to the Healthcare Mall. The ambulance facility will have an overriding signal and the light for the entrance will turn green for an easy exit.

Mr. King asked when the existing entrance will be closed and if the applicant proposed to close the existing curb cut. Mr. Theriault indicated that the applicant is hoping to do that this year and is doing things concurrently trying to have a traffic signal installed this year to accommodate the traffic. Mr. Theriault said that when the signal and the interconnection of these lots takes place then the southern entrance will be closed but the service entrance will remain open.

Acting Planning Officer Gould indicated that the applicants, the City of Bangor, Eastern Maine Healthcare Systems (EMHS)/Affiliated Healthcare Systems (AHS), request Site Development Plan approval for a Planned Group Development (PGD) and construction of a new 28,979 sq. ft. office building and site developments including proposed parking, buffers, drives, walks, and utilities located at 931 Union Street in a Shopping and Personal Service District. The City, who will retain the rear portion of the Affiliated Healthcare Systems site, Affiliated Healthcare Systems, and Eastern Maine Healthcare Systems plan to enter into a Planned Group Development (PGD) to allow certain elements of the site development to cross over properties. The PGD provisions of Section 165-69 allow multiple owners to seek site development plan approval as if it were developed under a single ownership. Typical internal lot line setbacks and buffer yards are eased or eliminated when the various parties develop the property under a common scheme.

Mr. Gould indicated that the Planning Staff finds the overall plan consistent with the provisions of the Shopping and Personal Service District and the requirements for Site Development Plan Approval. The building will be served by a full range of utility services; sewer, water, electrical, and telephone connections. The plans do include a new detention pond that will be connected to the City's existing stormwater system in Union Street. All the proposed

parking will be screened by a minimum "B" buffer. The side yard will be an "A" Buffer and the rear portion of the site (undeveloped) will retain its existing vegetation. The site will be well lit with standard shoebox style lights. While the elements of the PGD seem somewhat unnecessary at this point it is the Planning Staff's understanding that a future plan indicating the interconnection of this site to the EMHS site will demonstrate the need for the PGD. Mr. Gould noted that all of the documents for the lease, and the Planned Group Development have been signed and copies have been provided to the Planning Office. Staff recommended that the Planning Board grant Site Development Plan and Planned Group Development approval as the submittals meet the requirements of the District as well as those for site plan submission.

Mr. King noted a letter forwarded to the Planning Board from Mr. Benjie Grant who expressed his concerns about future access and signalization and how it might affect the access to his abutting property.

Mr. Siegel moved to approve the Site Development Plan at 931 Union Street and to approve the Planned Group Development. Mr. Wheeler seconded the motion. The Board voted 5 in favor and 0 opposed to the motion for approval.

APPROVAL OF MINUTES

Item No. 4: Planning Board Approval of Minutes

Chairman Guerette indicated that the May 17, 2005 Meeting Minutes needed Planning Board approval. Mr. Wheeler moved to approve the Minutes of the May 17, 2005 Meeting. Mr. Rosenblatt seconded the motion. The Board voted 5 in favor and 0 opposed to the motion for approval.

Other Business

Chairman Guerette requested that following the Board meetings if there are any questions on the actions either taken or being asked to be taken that the Board discuss them in an open forum. In this way, a request can be made of the City Solicitor to guide the Board through issues.

Chairman Guerette also discussed the Final Report of the Penjajawoc Marsh/Bangor Mall Task Force. He noted that some Members have expressed an interest or desire to show the Board's consensus with the Final Report and to make a positive statement in regard to this document with all of its concepts to be incorporated into the Comprehensive Plan. Chairman Guerette indicated that if that were the desire, then the Board needed to hold a special public hearing with a 30-day notice prior to the meeting to present those issues and changes.

He indicated that the City Council has already given the Final Report its approval and he felt that there is a certain amount of eagerness in the municipality that it be incorporated into the Comprehensive Plan in an official manner as soon as possible. Chairman Guerette indicated that this is to make it clear to developers or people having development plans in the works what the guidelines are in this area of the City.

Mr. Wheeler indicated that any action by the Planning Board is, essentially, symbolic as this task force was created by the City Council and the Final Report has been submitted to and approved by the City Council. Secondly, Mr. Wheeler indicated that he had a concern regarding the Final Report recommendation that a land management commission be established. He indicated that he planned to appear before the City Council as an individual to suggest that the term "commission" might be replaced by the words "advisory committee." The term commission implies specific authority whereas advisory committee does not.

Chairman Guerette indicated that he was not prepared to craft or suggest language for such a proposal or motion and said he is looking for guidance as to how appropriate, how soon, and in what form the Board should be entertaining this whole subject. Mr. Jim Ring, City Engineer, indicated that it would be meaningful to incorporate this Final Report into the Comprehensive Plan and over time it will require amendments to the Land Development Code to implement the recommendations of the Task Force. The Task Force is comprised of a diverse group of people who were brought together to resolve a very difficult issue. The basic concern is that if and when a party comes forward with a proposal that is inconsistent with the Task Force's Report but is consistent with the Comprehensive Plan it will create major problems. If the Task Force's Final Report is made an element of the Comprehensive Plan then this problem is alleviated.

Mr. Ring indicated that if the Board accepts and supports the Task Force's recommendation, then the Board can direct the Staff to take the necessary steps to formalize and implement these changes into the Land Development Code, as appropriate. Further, Mr. Ring said that it is clearly the City's intent that such changes, as recommended by this report, be retroactive to projects that come in in the interim. In regard to Mr. Wheeler's concern, Mr. Ring indicated that this could be referred to the City Solicitors' Office for an opinion. Mr. Wheeler noted that he had discussed his concern with the Assistant City Solicitor.

Mr. Wheeler moved to direct the Planning Staff to undertake the necessary details to bring this issue as a Public Hearing before the Planning Board. Mr. Rosenblatt seconded the motion. Chairman Guerette asked if the Public Hearing would be held during a regularly scheduled meeting or a special

meeting. Mr. Gould indicated that it would be held during a regularly scheduled meeting.

Mr. King said that he would doubt the motion because he felt that there is a lot of detailed information to come to grasp with to really understand what the issues are. He indicated that he would feel more comfortable further down in the Comprehensive Plan Update process after assessing that quadrant before the Board deals with this issue. Chairman Guerette then asked for a vote. The Board voted 3 in favor and 2 opposed to the motion.

Mr. King added that he would like more clarification as to the role of the advisory group noting that while reviewing and commenting on commercial and residential development early in the process for environmental issues is important some issues are very important to be held at the Planning Board level. Chairman Guerette expressed his concern about the role of the advisory group and whether the Planning Board would be compelled to accept information from this group as part of the Comprehensive Plan.

Mr. Ring indicated that the comprehensive plan land use issues are issues for the Planning Board. The whole goal of this management group is to assure that interested parties meet early in the process to work out some of those issues that result in very lengthy discussions. The intent is for this group to review and provide the Board with additional information that may have been raised before a formal site plan is presented to the Board. He indicated that he did not see how the Board's review would change.

Mr. Wheeler indicated that he did not share Mr. Ring's review of this and he felt that it was not clear cut. He said that the term "commission" is really unsettling to him because it could enlarge the scope of the responsibilities and powers or rights over time. Mr. Wheeler felt that this would create an additional layer in the process of the land use procedure and approvals. Mr. Wheeler indicated that he did not want the Planning Board to rush into this.

Chairman Guerette noted that the next workshop meeting is scheduled for Tuesday, June 28th and the Board will be finishing up on the discussion of the Economic Development Element. At that time, it might be prudent for the Board to revisit how well the review is going and whether the format of review is still productive.

There being no further items for discussion, the meeting was adjourned at 9:58 p.m.